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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,939	09/08/2000	Hiroyasu Kuramatsu	Q60150	3125

7590                    09/29/2003

Sughrue Mion Zinn MacPeak & Seas  
2100 Pennsylvania Avenue NW  
Washington, DC 20037

[REDACTED] EXAMINER

TRAN, PABLO N

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2685

DATE MAILED: 09/29/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

[Signature]

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/657,939	KURAMATSU, HIROYASU
	Examiner	Art Unit
	Pablo N Tran	2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 May 0703.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) 1-14,24-26,30,31 and 33 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 15-23,27-29,32,34 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II (i.e., claims 15-23, 27-29, 32, and 34) in Paper No. 5 is acknowledged.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Notification of Data Completion for use in a Communication Terminal.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15-16, 18-21, 27-29, 32, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Yonemoto et al. (6,298,239).

As per claims 15, 27, 32, and 34, *Yonemoto et al.* disclosed a communication system comprising a content data server (fig. 1/no. 1000), a storage unit (fig. 2/no. 1020), a communication unit (fig. 2/no. 1040) that transmits data based on request from a communication data, a communication terminal (fig. 1/no. 1100) having a receiver (fig. 4/no. 1110) and a controller (fig. 4/no. 1140) that generates a notification (fig. 5/no. S1506) at the completion of data reception according to a time period for receiving the data (fig. 5, col. 11/ln. 4-col. 12/ln. 49).

As per claims 16 and 28, *Yonemoto et al.* disclosed the controller generates the notification when the time period is longer than a predetermined time period (fig. 5, col. 11/ln. 4-col. 12/ln. 49). 

As per claims 18 and 29, *Yonemoto et al.* disclosed the communication terminal having a counter to count the time period in receiving the data and a determiner to determine whether the time period counted by the counter is longer than the predetermined time period (fig. 5, col. 11/ln. 4-col. 12/ln. 49). 

As per claims 19, *Yonemoto et al.* disclosed the data is hypertext markup language (col. 9/ln. 29-32).

As per claims 20, *Yonemoto et al.* disclosed the communication terminal having a vibrator (col. 10/ln. 23-25).

As per claims 21, *Yonemoto et al.* disclosed the communication having a display (col. 5/ln. 55-59).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yonemoto et al.* (6,298,239).

As per claims 17, *Yonemoto et al.* do not specifically disclosed the communication terminal having an input unit that sets a notification prohibiting mode. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such a notification prohibiting mode, well known, to the communication terminal of *Yonemoto et al.* in order to avoid disturbance when the user is in such a place as theater, church, or meeting.

As per claims 22 and 23, *Yonemoto et al.* disclosed the communication terminal having such notification as a bell sound or vibration but do not disclose a storage unit that stores notification information indicative of a notification pattern and generated the notification according to the notification information. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such stored notification pattern and generated the notification according to the notification information, well known, to the communication terminal of *Yonemoto et al.* in order to provide the user the flexibility

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to programmed a distinct notification pattern for each type of received data, so that when there is an alert the user can detect what type of data has been received.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Li (6,349,210) disclose information transmission control for communication system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

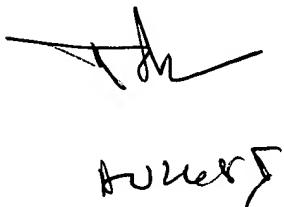
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN  
PRIMARY EXAMINER

September 21, 2003



A handwritten signature consisting of a stylized 'P' and 'N' followed by 'TRAN' and a small checkmark.